

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:	§	
	§	
ROBERT E. JACOBSEN,	§	CASE NO. 07-41092
	§	(Chapter 7)
DEBTOR	§	

TRUSTEE'S AMENDED MOTION TO ABANDON PROPERTY OF THE ESTATE

NOTICE

NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN FIFTEEN (15) DAYS FROM THE DATE OF SERVICE HEREOF UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH RESPONSE. IF NO RESPONSE IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF A RESPONSE IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

TO THE HONORABLE BRENDA T. RHOADES, U.S. BANKRUPTCY JUDGE:

Christopher J. Moser, the Chapter 7 Trustee of the above-referenced bankruptcy estate (the "Trustee") files his Amended Motion to Abandon Property of the Estate ("Motion") as follows:

1. On December 5, 2007, Robert Jacobsen ("Debtor") filed with this Court a voluntary petition under Chapter 13 of the Bankruptcy Code. The Debtor's case was converted to Chapter 7 on May 25, 2008.
2. Christopher J. Moser was thereafter appointed interim trustee of the estate, subsequently qualified and is now the acting Chapter 7 Trustee.
3. The Debtor asserts that the bankruptcy estate owns the following claims:
 - a. Claim against Alisia Aldecoa for malpractice;
 - b. Claim against Matt Webb for malpractice;
 - c. Claim against Fidelity Title Company for fraud and breach of title policy;

- d. Claim against David and Linda Gates for real estate fraud;
- e. Claim against North American Title Insurance for misrepresentation;
and
- f. Claim against American National Insurance Co. for loss on a policy.

(Collectively referred to as the "Claims").

4. The Trustee does not believe that it would be beneficial to the estate to pursue the Claims.

5. Pursuant to §554(a) of the Bankruptcy Code, a trustee may abandon any property of the estate that is burdensome to the estate or is of inconsequential value and benefit to the estate. In the opinion of the Trustee, the Claims are of no value to the bankruptcy estate. Therefore, the Trustee seeks authority to abandon the Claims.

WHEREFORE, PREMISES CONSIDERED, the Trustee respectfully requests that this Court authorize the Trustee to abandon the Claims retroactive as of the date of the filing of this Motion and that this Court grant the Trustee such other and further relief to which he may be justly entitled.

Respectfully submitted

CHRISTOHPER J. MOSER, TRUSTEE
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By: /s/ Christopher J. Moser
Christopher J. Moser

CHAPTER 7 TRUSTEE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion has been served via regular U.S. mail, postage prepaid, on this 26th day of June, 2009, upon all parties on the attached Matrix.

/s/ Christopher J. Moser